

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**MONIQUE MURRAY,
BENNETH EKWEGBALU,
ERIK GIORDANO,
ASHLEY HAMILTON,
VALENTYNA MASYK,
JASMINE MCNEILL,
ROSEDI MORALES,
WAYNE NEAL,
EMMETT SEALEY,
PAUL SINGH, and
ALLEN STEVENS,**

Plaintiffs,

v.

CITY OF NEW YORK, NEW YORK,

Defendant.

**No. 16-cv-8072 (PKC)

(JURY TRIAL DEMANDED)**

NOTICE OF LAWSUIT AGAINST CITY OF NEW YORK

TO: All present and former employees who work or who have worked as Community Coordinator, Community Associate, Community Assistant, Fraud Investigator, Associate Fraud Investigator, Caseworker, and/or Addiction Counselor for the City of New York at any of its Department of Homeless Services facilities for any time period since October 14, 2013.

1. INTRODUCTION

The purpose of this Notice is to: (1) inform you of the existence of a collective action lawsuit that you have the right to join; (2) advise you of how your rights may be affected by this lawsuit; and (3) instruct you on the procedure for joining this lawsuit, should you choose to do so.

THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE FEDERAL DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK. THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF THE PLAINTIFFS' CLAIMS OR DEFENDANT'S DEFENSES.

2. DESCRIPTION OF THE LAWSUIT

A group of employees of the City of New York's Department of Homeless Services facilities have sued the City of New York on behalf of themselves and all other similarly situated persons to recover alleged unpaid overtime wages and other violations under the Fair Labor Standards Act (FLSA). The plaintiffs have alleged that they are owed unpaid wages for overtime on four separate grounds:

First, plaintiffs allege that the City of New York violated the FLSA by paying plaintiffs in compensatory time at a straight time hour-for-hour rate rather than at the rate of one and one-half hours for overtime hours worked in excess of 40 hours per week.

Second, Plaintiffs allege that the City of New York violated the FLSA by failing to include differential payments in the plaintiffs' "regular rate of pay" when calculating overtime compensation. Plaintiffs allege that this has resulted in plaintiffs being underpaid for overtime work.

Third, plaintiffs allege that the City of New York violated the FLSA by refusing to pay plaintiffs for all hours worked in excess of 40 hours per week, including work performed before the scheduled shift, after the scheduled shift, during the unpaid meal period, and for overtime work that was not pre-approved.

Fourth, Plaintiffs allege that the City of New York violated the FLSA by paying plaintiffs for overtime work weeks or months after the overtime was worked.

Plaintiffs seek backpay for these alleged FLSA violations going back to October 14, 2013. Plaintiffs also seek an additional equal amount as liquidated damages, as well as prejudgment interest, attorneys' fees and costs.

Defendant maintains that all employees employed by the City of New York at any Department of Homeless Services facility were compensated appropriately and lawfully, and that Plaintiffs' lawsuit is meritless.

3. COMPOSITION OF THE COLLECTIVE ACTION

Plaintiffs seek to sue on behalf of themselves and also on behalf of all persons who have worked for the City of New York, New York, at any of its Department of Homeless Services facilities at any time since October 14, 2013 as Community Coordinators, Community Associates, Community Assistants, Fraud Investigators, Associate Fraud Investigators, Caseworkers, and Addiction Counselors.

4. YOUR RIGHT TO PARTICIPATE IN THIS LAWSUIT

If you have worked as a Community Coordinator, Community Associate, Community Assistant, Fraud Investigator, Associate Fraud Investigator, Caseworker, and Addiction Counselor in any of the City of New York, New York's Department of Homeless Services

facilities at any time since October 14, 2013 you may join this lawsuit. **To join you must mail the “Consent to Become Party Plaintiff” form attached to this document to plaintiffs’ counsel so that it is postmarked by [90 days from the date defendant provides names and addresses to plaintiffs’ counsel] which is the last day that plaintiffs can join or “opt-in” to this lawsuit. Plaintiffs’ counsel’s address is:**

Gregory K. McGillivray
WOODLEY & MCGILLIVARY LLP
1101 Vermont Avenue, N.W., Suite 1000
Washington, D.C. 20005
(202) 833-8855
(866) 833-8860 (toll-free)
(202) 452-1090 (Facsimile)
gkm@wmlaborlaw.com

Hope Pordy,
Spivak Lipton LLP
1700 Broadway, Floor 21
New York, NY 10019
212-765-2100 (phone)
hpordy@spivaklipton.com

If you fail to return the “Consent To Become Party Plaintiff” form so that it is received by plaintiffs’ counsel postmarked by [90 days from the date defendant provides names and addresses to plaintiffs’ counsel] you will not be included in this lawsuit.

If you do not want to join this lawsuit, you do not need to do anything.

5. EFFECT OF JOINING THIS LAWSUIT

If you choose to join the lawsuit, you will be bound by the Court Judgment or settlement, if any, of the parties involved. That is, when the Court decides whether the City of New York, New York violated the FLSA, that decision will apply to all persons who have joined this lawsuit.

If you join you will receive a letter from plaintiffs’ counsel within 14 days of joining, and if you do not receive this letter you should contact the attorneys at the above address. Plaintiffs’ counsel are being paid on a contingency fee basis, which means that if there is no recovery, the attorneys will not charge you a fee for their services. If there is a recovery, plaintiffs’ counsel will be paid a portion of any settlement obtained or money judgment awarded by the jury or the Court.

By joining this lawsuit, you will designate individually named plaintiffs Monique Murray, Ashley Hamilton, Emmett Sealey, Erik Giordano, Jasmine McNeill, Allen Stevens, and Suzette Coles as your agents for purposes of this lawsuit. They will be authorized to make decisions on your behalf concerning all aspects of the lawsuit. If you join the lawsuit,

plaintiffs' counsel will become your attorneys, and you will be entitled to communicate with, provide input, and receive advice directly from them.

6. NO LEGAL EFFECT IN NOT JOINING THIS LAWSUIT

If you choose not to join this lawsuit, you will not be affected by any decisions, judgments or settlement rendered in this case, whether favorable or unfavorable. It is entirely your own decision to join this lawsuit.

7. FURTHER INFORMATION

Further information about this lawsuit and/or the deadline for filing a "Consent to Become Party Plaintiff," may be obtained by writing, sending an e-mail, or calling plaintiffs' counsel.

8. YOUR LEGAL REPRESENTATION IF YOU JOIN

If you choose to join this lawsuit, your interests will be represented by the plaintiffs named in paragraph 5, through their attorneys, as counsel for the collective action opt-ins. In addition to plaintiffs' attorney Gregory K. McGillivray, counsel for the opt-in class includes Hope Pordy, Spivak Lipton LLP, 1700 Broadway, Floor 21, New York, NY 10019, 212-765-2100, hpordy@spivaklipton.com.